

Egyptian Regional Human Rights Authority
Meeting Minutes
May 21, 2013

The regular meeting of the Human Rights Authority (HRA) was held at Shawnee Community College, 8364 Shawnee College Rd, Ullin, IL. Vice-Chair Clarence Russell called the meeting to order at 5:10 p.m. and read the confidentiality statement. A quorum was present.

Members Present: Mary McMahan, Jim Livesay, Kathy Rambeau, Judy Atherton, Al Farmer and Clarence Russell

Members Absent: Sue Barfield, Pam O'Connor, Sharon Mumford

Staff Present: Kim Conway

Guests: Brian Taylor, TDL Group, Inc/Trafford Estates

Unfinished Business: A motion was made by Judy Atherton and seconded by Mary McMahan to go into closed session at 5:13 p.m. to accommodate a guest that was present for Case #13-110-9027. A summary of the allegations contained in this new case was provided to the guest and he shared his side of the incident with the board members. Motion was made and seconded to return to open session at 5:40 p.m. having taken no action in closed session.

Minutes: A motion was made and seconded to approve the March 26, 2013 meeting minutes and it carried.

Communications: The board reviewed and discussed Senate Bill 0093 regarding a distinct and separate population being formed at Chester Mental Health for Sexually Violent Persons. Part of this bill includes language that this population would not be protected under the Mental Health and Developmental Disabilities Code. This bill passed in the Senate on 3/21/13 and passed in the House 5/3/13 it will now go to the Governor for approval. The board discussed that Kathy Rambeau's term will end June 30, 2013 so this is her last meeting. A new member will be voted on as her replacement at the end of the meeting when returning to open session after discussion of the candidates occurs in closed session.

Ratifications: None

New Complaints:

13-110-9026 State operated mental health facility- the complaint alleges that a recipient was given 2 forced injections without an adequate reason, staff refuse to get hygiene items out for recipients to shower and recipients aren't allowed to use the restroom when needed. HRA made informal inquiry with staff at facility and was told he was given 5 mg Fluphenazine at 13:30 for aggression and Lorazepam 2 mg at 13:45 for agitation. A signed release of information was received. Judy Atherton made a motion to accept the case for investigation, Clarence Russell seconded and it carried.

13-110-9029 State operated facility - the complaint alleges an inadequate discharge planning process. A recipient was discharged with 3 days worth of medication and a 2 week prescription

and was given a "prescription card" to fill the prescription with. This card only took about \$10 or \$15 off the cost of the prescription. The recipient had a medical card, but the medication was not covered by the medical card. Therefore, in order to fill the medication he needed, he had to pay out of pocket and incurred a \$300 prescription bill that he has to make payments on. Once he was able to get in with a doctor, his medication was changed to one that causes side effects that are jeopardizing his placement due to increased agitation. Another allegation is that he was discharged with only \$30, no ID or birth certificate. His SSI benefits were stopped while he was at the facility so the CILA home had to re-apply once he was discharged. The discharging facility never instructed the CILA home how to get the SSI started or offered assistance to do so. The recipient was without money for 3 months. A signed release of information was received. Judy Atherton made a motion to accept the case for investigation, Al Farmer seconded and it carried.

13-110-9030 State operated facility - the complaint alleges lack of communication with a guardian, inadequate treatment planning and that a recipient was denied admission (to the forensics unit) causing him undue stress. A recipient has been at the facility 25 years and has been on 1:1 supervision for the last year and a half which prevented him from being screened for community placement. He had physical aggression toward 3 staff at the facility and had charges pressed against him. The guardian wasn't informed of this until she received a notice that he had to go to court. The recipient was sent to a maximum security mental health facility because there were no beds available for him at his current facility's forensic unit. Staff at the receiving facility told the guardian it was an inappropriate placement and she had the right to appeal it, but the receiving facility did so within 2 weeks of placement. At that point, a bed was available at his initial facility and he was sent back there on the forensics unit. The guardian said the recipient had 2 complaints against staff on his initial unit alleging abuse and she is concerned they may have provoked him to lash out as retaliation for the allegations. The guardian said she has requested copies of the court orders but has not received them from the facility. A signed release has been received. Judy Atherton made a motion to accept the case for investigation, Clarence Russell seconded and it carried.

13-110-9031 State operated mental health facility - the complaint alleges negative staff interaction with patients. This was reported to OIG and since then a STA has treated the recipient who filed the complaint differently and has used verbal threats to intimidate him such as "I could take you", "I will 'mess' you up". I could "break your face". An OIG report was filed around April 10th but the outcome of the investigation is unknown. It is also alleged that that when these incidents occur, peers are told to go to their room, allegedly so there's no one to witness what occurs. There was a human rights committee complaint filed regarding this recipient being denied lunch as punishment, but it came back saying "complaint not supported". Another complaint about staff using profanity, intimidation and physical harm to patients when they're in restraints and an employee smelling of alcohol was referred to OIG, but no one has investigated those allegations. It was also reported that staff members sleep on shift and "cover for each other", smoke in the restrooms and text on cell phones during shifts. It was also alleged that a certain staff was out on medical leave and staff at the facility called him to see how they should respond to the investigation of the incident specifically "what they can do to help him" and he told them "don't look at the tapes". A signed release has been received. Mary McMahan made a motion to accept the case for investigation, Judy Atherton seconded and it carried.

13-110-9032 State operated mental health facility - the complaint alleges that a recipient's dietary requests are not being honored and that he is not being served in the least restrictive environment. It is alleged that since November, 2012 the recipient has lost approximately 80 pounds, but has been told he is still within his ideal body weight, so no dietary changes have been approved. It is also alleged that an incident report was completed regarding an act of abuse that occurred and was put in the facility's mail to a psychologist, but an investigation never occurred. A signed release has been received. Mary McMahan made a motion to accept the case for investigation, Judy Atherton seconded and it carried.

13-110-9033 State operated mental health facility - the complaint alleges that a recipient has been falsely accused of inappropriate sexual conduct which has impacted his continued stay at the facility and the reports filed with the Court. It is alleged that no investigation has been completed regarding the accusations; however, they are still being included in the report to the Court. A signed release has been received. Mary McMahan made a motion to table case acceptance to receive further information to allow the board to determine if there is a statute regulating this type of complaint, Judy Atherton seconded and it carried.

Other New Business: Rebecca Lewey withdrew her board member application but asked that the board keep it for future vacancies. Paul Jones and Clyde Ramage are current applicants to fill the July, 2013 vacancy.

Unfinished Business: A motion was made by Judy Atherton to re-enter closed session at 6:30 p.m. to discuss confidential information regarding case progress, draft reports and case closures. Kathy Rambeau seconded and it carried. The HRA returned to open session at 9:08 p.m. having taken no action in closed session. The following summary of items was discussed in closed session: Case progress was reviewed for Cases #13-110-9008; 13-110-9010; 13-110-9013; 13-110-9014; 13-110-9015; 13-110-9016; 13-110-9017; 13-110-9018; 13-110-9019; 13-110-9020; 13-110-9021; 13-110-9024; 13-110-9025; 13-110-9026; 13-110-9027 and 13-110-9028. Draft reports were reviewed for Cases #12-110-9035; 12-110-9038; 13-110-9004; 13-110-9005; 13-110-9007; 13-110-9009 and 13-110-9012. Case closures were considered for Cases #12-110-9009; 12-110-9017; 12-110-9025; 12-110-9034; 12-110-9037; 13-110-9006 and 13-110-9011.

Case Progress Reports:

13-110-9008- Chester Mental Health Center - Additional records that were requested on 3/1/13 are being reviewed as well as an independent risk assessment that was completed. The case is still under investigation.

13-110-9010 - Choate Mental Health Center - HRA recently reviewed Choate admission policies. A meeting is scheduled for next week with the administrator. The case is still under investigation.

13-110-9013 - Chester Mental Health Center- Additional records requested on 3/1/13 were just received and need to be reviewed. The case is still under investigation.

13-110-9014 - Chester Mental Health Center - Additional records requested on 3/1/13 were just received and need to be reviewed. The case is still under investigation.

13-110-9015 - Chester Mental Health Center- The recipient was discharged on 2/1/13. The records have been requested from storage at Chester for review next month. The case is still under investigation.

13-110-9016 - Chester Mental Health Center - The recipient was discharged on 1/14/13. The records have been requested from storage at Chester for review next month. The case is still under investigation.

13-110-9017 - Chester Mental Health Center - Additional records were requested 3/1/13 have not be received, requested again on 5/10/13. The case is still under investigation.

13-110-9018 - Chester Mental Health Center - The case is ready for report

13-110-9019 - Chester Mental Health Center - HRA needs to complete a chart review. The case is still under investigation.

13-110-9020 - Chester Mental Health Center - HRA needs to complete a chart review. The case is still under investigation.

13-110-9021 - Chester Mental Health Center - Initial chart review has been completed. More information is needed to further investigate. The case is under investigation.

13-110-9024 - Herrin Hospital - Investigation was completed 4/5/13 and records requested have been received. The case is ready for report.

13-110-9025 - Chester Mental Health Center - Reviewed OIG investigative reports regarding the incident of sexual abuse. Will review chart records next month. The case is under investigation.

13-110-9026 - Chester Mental Health Center - Met with the recipient during a recent visit. He has moved to a new unit and has had no issues there. HRA needs to complete chart review. The case is still under investigation.

13-110-9027 - Trafford Estates/DHS - Have talked to the guardian and one facility member briefly. Site investigations need to be scheduled along with chart reviews. The case is still under investigation.

13-110-9028 - Chester Mental Health Center - HRA needs to do records review. The case is still under investigation.

Reports of Findings:

12-110-9035 - Choate Mental Health & Developmental Center - All pages of the report have been reviewed since the March meeting. The board voiced concern over the number of cases similar to this one that have been investigated and have some further questions about investigating on a broader spectrum. Judy Atherton made a motion to table approval of the draft report until some questions could be answered. Al Farmer seconded and it carried.

12-110-9038 - Chester Mental Health Center - Report reviewed. Jim Livesay made a motion to approve the draft as stated. Mary McMahan seconded and it carried.

13-110-9004 - Choate Mental Health & Developmental Center - Report reviewed. Jim Livesay made a motion to approve the draft as stated. Mary McMahan seconded and it carried.

13-110-9005 - Chester Mental Health Center - Report reviewed. Jim Livesay made a motion to approve the draft as stated. Mary McMahan seconded and it carried.

13-110-9007 - Chester Mental Health Center - Report reviewed. Jim Livesay made a motion to approve the draft as stated. Mary McMahan seconded and it carried.

13-110-9009 - Chester Mental Health Center - Report reviewed. Mary McMahan made a motion to approve the draft as stated. Al Farmer seconded and it carried.

13-110-9012 - Chester Mental Health Center - Report reviewed. Judy Atherton made a motion to approve the draft as stated. Jim Livesay seconded and it carried.

Case Closures

12-110-9009 Choate Mental Health & Developmental Center - All pages of the provider's response to HRA recommendations have been reviewed. The board would like the final version of the attachments included in the response not just the draft. The board also discussed their concern over what happens if the emergency plan is followed and state operated facilities still cannot admit and the need for a plan to be in place so that jail detainment can be prevented. Judy Atherton made a motion to table case closure until these issues can be addressed. Mary McMahan seconded and it carried.

12-110-9017 Chester Mental Health Center - The facility is still preparing a response to the HRA substantiations and expressed that administration might need to attend a meeting to discuss their response with the board. Al Farmer made a motion to table case closure to allow time for a response and meeting attendance by the facility's administration representatives. Jim Livesay seconded and it carried.

12-110-9025 Chester Mental Health Center - The board accepted the facility's written response. Judy Atherton made a motion to close the case and make the report a part of the public record. Mary McMahan seconded and it carried.

12-110-9034 Chester Mental Health Center - No response was received from the facility, none was required. Judy Atherton made a motion to close the case and make the report a part of the public record. Al Farmer seconded and it carried.

13-110-9037 Chester Mental Health Center - No response was received from the facility, none was required. Judy Atherton made a motion to close the case and make the report a part of the public record. Jim Livesay seconded and it carried.

13-110-9006- Chester Mental Health Center - The board accepted the facility's written response. Mary McMahan made a motion to close the case and make the report a part of the public record. Kathy Rambeau seconded and it carried.

13-110-9011 Pinckneyville Healthcare Center - No response was received from the provider, none was required. Kathy Rambeau made a motion to close the case and make the report a part of the public record. Al Farmer seconded and it carried.

Other Unfinished Business:

The board discussed the candidates to fill the vacancy left by Kathy Rambeau on the HRA board. The board also discussed new HRA board offices for the 2014 fiscal year effective July 1, 2013. Jim Livesay made a motion to return to open session at 9:08 p.m. Al Farmer seconded and it carried.

Mary McMahan made a motion to recommend Paul Jones as the new HRA board member effective July 1, 2013. Al Farmer seconded and it carried.

Al Farmer moved to accept the HRA board officers as follows: Clarence Russell to serve as Chairperson, Judy Atherton to serve as Vice-Chairperson and Pam O'Connor to serve as secretary. Jim Livesay seconded and it carried.

The next meeting is scheduled for 5:00 p.m. on July 30, 2013 at Guardianship & Advocacy Commission, #7 Cottage Drive, Anna, IL.

Al Farmer made a motion to adjourn at 9:15 p.m. Clarence Russell seconded and it carried.

Respectfully Submitted,
Kathy Rambeau, Secretary